

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

In re: JOHN HENRY

No. 17mc0042 RB

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court on John Henry's Notice (Doc. 1), filed July 10, 2017.

John Henry requested that the Clerk of the Court open a sealed, miscellaneous case and file his Notice. The Notice states, among other things, that this "case pertains to 'other property,'" but does not otherwise describe the matter before the Court. Miscellaneous actions are used for administrative matters that require resolution through the judicial system but which are not considered civil or criminal cases. John Henry shall, within 21 days of entry of this Order, show cause why the Court should not dismiss this case for failure to identify an administrative matter that requires resolution by this Court. Failure to timely show cause may result in dismissal of this case.

It appears that this miscellaneous case was improperly sealed. Courts have discretion to allow the sealing of documents if the public's right of access is outweighed by other interests. *See JetAway Aviation, LLC v. Bd. of Cnty. Comm'rs*, 754 F.3d 824, 826 (10th Cir. 2014) (per curiam). "To overcome [the] presumption against sealing, the party seeking to seal records must articulate a real and substantial interest that justifies depriving the public of access to the records that inform our decision-making process." *Id.* (internal quotation marks omitted). John Henry shall have 21 days from entry of this Order "to articulate a real and substantial interest that justifies depriving the public of access to the records that inform our decision-making process." Failure to timely articulate such an interest may result in the unsealing of this miscellaneous case.

Failure to reference legal authority which supports the response to this Order may result in dismissal and unsealing of this case.

IT IS ORDERED that John Henry shall, within 21 days of entry of this Order, show cause why the Court should not dismiss this case for failure to identify an administrative matter that requires resolution by this Court.

IT IS ALSO ORDERED that John Henry shall, within 21 days of entry of this Order, articulate a real and substantial interest that justifies sealing this miscellaneous case.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE